UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

In re:) •
HILAL K. HOMAIDAN	Chapter 7Case No. 08-48275 (ESS)
Debtor,)) •)
HILAL K. HOMAIDAN on behalf of himself and all others similarly situated))) •
Plaintiffs, v.	Adv. Pro. No. 17-01085 (ESS)
NAVIENT SOLUTIONS, LLC, NAVIENT CREDIT FINANCE CORPORATION)))
Defendants.)))

DECLARATION OF AUSTIN C. SMITH IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

I, Austin C. Smith, declare:

- 1. I am a partner at the Smith Law Group, L.L.P. I am a member in good standing of the Bar of the State of New York. I make these statements based on personal knowledge and would so testify if called as a witness at trial.
- 2. This declaration is submitted in support of Plaintiffs' Motion for Class Certification in the above captioned matter.

Experience and Background

3. I received my J.D. degree *cum laude* from the University of Maine School of Law in 2014.

- 4. I was admitted to the New York Bar in October 2015. I am admitted to practice before the United States District Courts, Southern and Eastern Districts of New York.
- 5. I spent the first two years of my legal career as an associate with the commercial litigation boutique Brewer, Attorneys and Counselors (formerly known as Bickel & Brewer). During that time, I also litigated one of the first actions successfully discharging a non-qualified private student loan, *Campbell v. Citibank et. al.*
- 6. I founded the Smith Law Group in July 2016 in order to devote all my time to helping debtors discharge their student loans in bankruptcy.
- 7. Since that time, I have commenced and/or worked on dozens of adversary proceedings and district court actions seeking discharge of private student loans, and in many instances damages arising from illegal collection efforts, including:
 - (i) Campbell v. Citibank et. al., 574 B.R. 49 (Bankr. E.D.N.Y. 2016). Obtained denial of Defendant Citibank's motion to dismiss, and won motion for summary judgment concerning discharge of a bar exam loan.
 - (ii) Schultz v. Navient Solutions, Inc., 16-AP-03042 (Bankr. D. Minn. 2016). Obtained favorable ruling on motion for partial summary judgment finding that private education loans were not excepted from discharge under section 523(a)(8)(A)(ii).
 - (iii) Kashikar v. DB Structured Products, 15–AP-01184 (Bankr. C.D. Cal. 2015). Obtained favorable reversal as pro bono counsel assisting debtor from the Ninth Circuit Bankruptcy Appellate Panel concerning discharge of a private student loan made for a non-accredited school.
 - (iv) McDaniel v. Navient Solutions LLC, 17-AP-01274 (Bankr. D. Col. 2017). Obtained favorable ruling on motion to dismiss for Tuition Answer loan that allegedly exceeded Cost of Attendance. Currently awaiting decision from the 10th Circuit.
 - (v) Henry et. al. v. Education Financial Services, a Division of Wells Fargo Bank N.A, 18-20809 (5th Cir. 2019). Representing putative class of borrowers with private education loans from non-Title IV schools and obtained favorable ruling on motion to compel arbitration that was subsequently affirmed by the Fifth Circuit.

Case 1-17-01085-ess Doc 174 Filed 12/19/19 Entered 12/19/19 19:49:31

8. I have also been appointed as interim class co-counsel in Evan Brian Crocker et al. v.

Navient Solutions, Inc. et al., 941 F.3d 26 (5th Cir. 2019) on behalf of a putative class

of borrowers with loans to attend trade schools who received discharges in

bankruptcy and allege that Navient wrongfully collected on these loans post-

discharge. The Fifth Circuit held that the loans at issues are non-dischargeable, in the

first Circuit-level appellate decision to address the applicability of 11 U.S.C. §

523(a)(8)(a)(ii).

9. I am committed to the full preparation of this case through the performance of

necessary and reasonable discovery and am willing to take this case to trial should

that become necessary. I am committed to acting in the best interest of the class, and

understand my duties in that regard under applicable law

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 10th day of December, 2019.

AUSTIN C. SMITH

A Connell Smith